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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,001	01/22/2004	James N. Bohanan JR.	ITW-14510	6247

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EXAMINER

BUI, LUAN KIM

ART UNIT PAPER NUMBER

3728

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/763,001

Applicant(s)

BOHANAN ET AL.

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,14 and 20-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-13,15-19 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/22/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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1. Applicant's election of Group I and species A in the reply filed on 5/18/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 6, 7, 14 and 20-28 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Marlin et al. (6,505,740; hereinafter Marlin'740) in view of Caggiano (4,861,632). Marlin'740 discloses a bag (10) comprising a receptacle having a mouth and a plastic zipper (38-46) attached to the mouth with the zipper comprises first and second zipper strips (40-46) that extend across the mouth. Marlin'740 further discloses the receptacle formed of laminated material (Figure 3) and the laminated material comprising first and second layers (50-64) laminated to each other with the first layer comprising a first material (50) and a layer of polypropylene that provides an effective odor barrier (column

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5, lines 35-45) which is considered equivalent to an odor eliminating agent as claimed. To the extent that Marlin'740 fails to show an odor eliminating agent, Caggiano shows a laminated container comprising first and second layers laminated to each other with at least the first layer comprising a first material (3) and an absorbent layer impregnated with a desiccant agent (column 4, lines 45-50) which is considered equivalent to an odor eliminating agent as claimed. It would have been obvious to one having ordinary skill in the art in view of Caggiano to modify the laminated material of Marlin'740 so the first layer comprises the first material and an odor eliminating agent to eliminating odor within the bag.

4. Claims 3-5 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of Castiglione et al. (6,803,090; hereinafter Castiglione'090). Marlin'740 further discloses carrier sheets (66) in the embodiment of Figure 7 may include a corrosion inhibiting amount of corrosion inhibitor (column 8, lines 41-42). To the extent that Marlin'740 fails to show the first layer comprises a corrosion inhibiting agent, Castiglione'090 shows a fluid transport film includes a corrosion inhibiting agent within the adhesive compositions of the film (column 15, line 33-42). It would have been obvious to one having ordinary skill in the art in view of the embodiment of Figure 7 of Marlin'740 and Castiglione'090 to modify the first layer so the first layer includes a corrosion inhibiting agent to prevent corrosion.

5. Claims 8, 12, 13, 15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 2 above, and further in view of Fulmer (6,735,781).

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Marlin'740 further discloses a printed layer (62) having suitable coloring and indicia printed thereon. However, Marlin'740 fails to show at least one of the opposing surfaces of the bag includes a camouflage pattern printed thereon. Fulmer show a bag (14) having a camouflage pattern printed thereon (Figure 1). It would have been obvious to one having ordinary skill in the art in view of Fulmer to modify the bag of Marlin'740 so at least one of opposing surfaces of the bag comprises a camouflage pattern printed thereon for concealment.

6. Claims 9, 10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 2 above, and further in view of Official Notice. Marlin'740 further fails to show a first header having a first opening and a second header having a second opening. Official Notice is taken of the old and conventional practice of providing a bag having a first header with a first opening and a second header with a second opening to facilitate carrying the bag. It would have been obvious to one having ordinary skill in the art in view of Official Notice to modify the bag of Marlin'740 so it includes a first header with a first opening and a second header with a second opening to facilitate carrying the bag

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

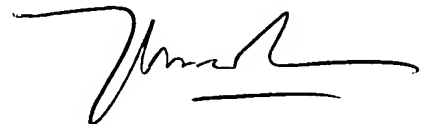
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the**

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**organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb  
July 6, 2006



Luan K. Bui  
Primary Examiner  
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